

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DONALD GRANBERRY,

Plaintiff,

v.

CHAIRMAN OF PENNSYLVANIA
BOARD OF PROBATION AND
PAROLE, et al.,

Defendants.

Civil Action No. 07-272 Erie

MEMORANDUM ORDER

_____Plaintiff's civil rights complaint was received by the Clerk of Court on October 9, 2007 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation [19], filed on July 29, 2008, recommends that the Defendants' Motion to Dismiss Amended Complaint [11] be granted in part and denied in part. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail at his address of record and on the Defendants. No objections were filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 25th day of August, 2008;

IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss Amended Complaint [11] be, and hereby is, GRANTED to the extent Plaintiff is asserting claims against the Defendants in their official capacities. In all other respects, the Defendants' Motion to Dismiss Amended Complaint is DENIED.

The Report and Recommendation of Chief Magistrate Judge Baxter,
dated July 29, 2008 [19], is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin
United States District Judge

cm: all parties of record
Chief U.S. Magistrate Judge Baxter